

AMENDED IN ASSEMBLY AUGUST 15, 2013

AMENDED IN ASSEMBLY AUGUST 6, 2013

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE APRIL 16, 2013

SENATE BILL

No. 460

Introduced by Senator Pavley

February 21, 2013

An act to amend Section 125055 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 460, as amended, Pavley. Prenatal testing program: education.

Existing law imposes various responsibilities upon the State Department of Public Health and prenatal care providers with respect to prenatal care, screening, and counseling. Existing law requires the department to develop an education program designed to educate physicians and surgeons and the public concerning the uses of prenatal testing and the availability of the prenatal testing program.

This bill would require the department to include prescribed information regarding environmental health in the California Prenatal Screening Program Prenatal Patient Booklet and to post that information on the department's Internet Web site. This bill would require the department to send a notice to all distributors of the booklet that informs them of the change to the booklet and encourages obstetrician-gynecologists and midwives to discuss environmental health with their patients.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 125055 of the Health and Safety Code is amended to read:

125055. The department shall:

(a) Establish criteria for eligibility for the prenatal testing program. Eligibility shall include definition of conditions and circumstances that result in a high risk of a detectable genetic disorder or birth defect.

(b) (1) Develop an education program designed to educate physicians and surgeons and the public concerning the uses of prenatal testing and the availability of the program.

(2) (A) Include information regarding environmental health in the California Prenatal Screening Program Prenatal Patient Booklet. This information shall include the following statement:

“We encounter chemicals and other substances in everyday life that may affect your developing fetus. Fortunately, there are steps you can take to reduce your exposure to these potentially harmful substances at home, in the workplace, and in the environment. Many Californians are unaware that a number of everyday consumer products may pose potential harm. Prospective parents *should talk to their doctor and* are encouraged to read more about this topic to learn about simple actions to promote a healthy pregnancy.”

(B) The department shall include in the booklet links to educational materials derived from peer-reviewed materials relating to environmental health and reproductive toxins. ~~The department shall also include in the booklet links to educational materials on environmental health and reproductive toxins developed by the University of California.~~

(C) The department shall post the information described in subparagraphs (A) and (B) on its Internet Web site.

(D) The department shall send a notice to all distributors of the booklet informing them of the change to the booklet. In the notice, the department shall encourage obstetrician-gynecologists and midwives to discuss environmental health with their patients and to direct their patients to the appropriate page or pages in the booklet to provide their patients with additional information.

1 (E) In order to minimize costs, the information described in this
2 paragraph shall be included when the booklet is otherwise revised
3 and reprinted.

4 (F) The department may modify the language in the booklet
5 after consultation with *medical and scientific* experts in the field
6 of environmental health and reproductive toxins.

7 (c) Ensure that genetic counseling be given in conjunction with
8 prenatal testing at the approved prenatal diagnosis centers.

9 (d) Designate sufficient prenatal diagnosis centers to meet the
10 need for these services. Prenatal diagnosis centers shall have
11 equipment and staff trained and capable of providing genetic
12 counseling and performing prenatal diagnostic procedures and
13 tests, including the interpretation of the results of the procedures
14 and tests.

15 (e) Administer a program of subsidy grants for approved
16 nonprofit prenatal diagnosis centers. The subsidy grants shall be
17 awarded based on the reported number of low-income women
18 referred to the center, the number of prenatal diagnoses performed
19 in the previous year at that center, and the estimated size of unmet
20 need for prenatal diagnostic procedures and tests in its service
21 area. This subsidy shall be in addition to fees collected under other
22 state programs.

23 (f) Establish any rules, regulations, and standards for prenatal
24 diagnostic testing and the allocation of subsidies as the director
25 deems necessary to promote and protect the public health and
26 safety and to implement the Hereditary Disorders Act (Section
27 27).

28 (g) (1) The department shall expand prenatal screening to
29 include all tests that meet or exceed the current standard of care
30 as recommended by nationally recognized medical or genetic
31 organizations, including, but not limited to, inhibin.

32 (2) The prenatal screening fee increase for expanding prenatal
33 screening to include those tests described in paragraph (1) is forty
34 dollars (\$40).

35 (3) The department shall report to the Legislature regarding the
36 progress of the program with regard to implementing prenatal
37 screening for those tests described in paragraph (1) on or before
38 July 1, 2007. The report shall include the costs of screening,
39 followup, and treatment as compared to costs and morbidity averted
40 by this testing under the program.

(4) (A) The expenditure of funds from the Genetic Disease Testing Fund for the expansion of the Genetic Disease Branch Screening Information System to include the expansion of prenatal screenings, pursuant to paragraph (1), may be implemented through the amendment of the Genetic Disease Branch Screening Information System contracts, and shall not be subject to Chapter 2 (commencing with Section 10290) or Chapter 3 (commencing with Section 12100) of Part 2 of Division 2 of the Public Contract Code, Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code, or Sections 4800 to 5180, inclusive, of the State Administrative Manual as they relate to approval of information technology projects or approval of increases in the duration or costs of information technology projects. This paragraph shall apply to the design, development, and implementation of the expansion, and to the maintenance and operation of the Genetic Disease Branch Screening Information System, including change requests, once the expansion is implemented.

(B) (i) The department may adopt emergency regulations to implement and make specific the amendments to this section made during the 2006 portion of the 2005–06 Regular Session in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. For the purposes of the Administrative Procedure Act, the adoption of regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, these emergency regulations shall not be subject to the review and approval of the Office of Administrative Law. Notwithstanding Sections 11346.1 and 11349.6 of the Government Code, the department shall submit these regulations directly to the Secretary of State for filing. The regulations shall become effective immediately upon filing by the Secretary of State. Regulations shall be subject to public hearing within 120 days of filing with the Secretary of State and shall comply with Sections 11346.8 and 11346.9 of the Government Code or shall be repealed.

(ii) The Office of Administrative Law shall provide for the printing and publication of these regulations in the California Code of Regulations. Notwithstanding Chapter 3.5 (commencing with

1 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
2 Code, the regulations adopted pursuant to this chapter shall not be
3 repealed by the Office of Administrative Law and shall remain in
4 effect until revised or repealed by the department.

O